

ACTUAL WAGE INFORMATION SHEET - FOR H-1B NONIMMIGRANT EMPLOYEE

In compliance with the Immigration Act of 1990, employers are required to pay H-1B non-immigrants the higher of the prevailing wage and the **actual wage**. The actual wage is defined as the wage rate paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question. Employers may take into consideration "objective standards relating to experience, qualifications, education, specific job responsibility and function, specialized knowledge, and other legitimate business factors" in establishing this actual wage rate.

Federal regulations require that employers maintain documentation in the H-1B nonimmigrant employee's file indicating how, based on these objective standards, the employee's wage rate was determined (a copy must also accompany the H-1B request submitted to International Researchers & Scholars Office, MS65). This documentation must be available to authorities of the U.S. Department of Labor in the case of a review of the employer's H-1B procedures.

Keep this completed form in the H-1B employee's departmental personnel file. You must include a completed copy of this form and any attachments to the "Request for H-1B (Temporary Employee) Status"

IMPORTANT: Hiring Division must complete information on the reverse of this sheet if, during the validity of the employee's H-1B status, there are any adjustments to the H-1B employee's wage rate or more generally to the wage rate of employees with the same payroll title (i.e. merit increase, cost of living increase, salary range adjustments, etc.). According to federal guidelines for H-1B status, in the event that the employer gives employees a raise, or if the compensation system provides for other adjustments in wages, H-1B employees must be given the raise, consistent with Berkeley Lab's legitimate established criteria.

The original of the updated form must be kept in the H-1B employee's personnel file. A copy of the updated form (both sides) must be sent to: International Researchers & Scholars Office, MS 65.

1. H-1B Employee's Name _____
(FAMILY NAME) (Other Names)
2. Employing Department/Division at LBNL _____
3. LBNL Title (including step) _____
4. Wages per YEAR _____ (100% rate) Percentage time _____
5. If the payroll title used is **Postdoctoral Researcher** complete items 6a and 6b:
 - a. Give equivalent title and salary that does appear on Postdoctoral Fellow Salary Range scales

 - b. Give explanation if salary does not match step that appears on posted rates:

6. State objective standards used to set the H-1B employee's wage for this position

7. Attach a copy of the page from the applicable Salary Administration Manual listing the job title and salary.

I hereby certify that the information on this form is correct and complete

Name Signature Date

[CHANGES IN H-1B EMPLOYEE'S WAGE RATE MUST BE RECORDED ON THE REVERSE OF THIS SHEET]

UPDATE 1: DOCUMENTATION OF H-1B EMPLOYEE'S WAGE RATE AS A RESULT OF CHANGES IN Lab WAGE RATES AND/OR EMPLOYEE'S WAGE RATE. Keep the original in H-1B employee's Division personnel file to comply with Department of Labor guidelines. Send a completed copy (both sides) to IRSO.

1. Effective date of changes in wage rate _____
2. State nature of changes in wage rate (e.g., merit increase in employee's payroll category, wage range adjustment)

3. LBNL Title (including step) _____
4. Wages per YEAR _____ (100% rate) Percentage time _____
5. Attach a copy of the page from the applicable Berkeley Lab Salary Scale listing the job title and salary. If the payroll title used is **Postdoctoral Researcher** give range that does appear in Postdoctoral Fellow Salary scales. Attach a copy of applicable page for this payroll title and salary level.

6. State criteria used to set the H-1B employee's adjusted wage for this position

I hereby certify that the information on this form is correct and complete

Name	Signature	Date
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UPDATE 2: DOCUMENTATION OF H-1B EMPLOYEE'S WAGE RATE AS A RESULT OF CHANGES IN Lab WAGE RATES AND/OR EMPLOYEE'S WAGE RATE. Keep the original in H-1B employee's Division personnel file to comply with Department of Labor guidelines. Send a completed copy (both sides) to IRSO.

1. Effective date of changes in wage rate _____
2. State nature of changes in wage rate (e.g., merit increase in employee's payroll category, wage range adjustment)

3. LBNL Title (including step) _____
4. Wages per YEAR _____ (100% rate) Percentage time _____
5. Attach a copy of the page from the applicable Berkeley Lab Salary Scale listing the job title and salary. If the payroll title used is **Postdoctoral Researcher** give range that does appear in Postdoctoral Fellow Salary scales. Attach a copy of applicable page for this payroll title and salary level.

6. State criteria used to set the H-1B employee's adjusted wage for this position

I hereby certify that the information on this form is correct and complete

Name	Signature	Date
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